

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**WILLIAM Y. BUCHANAN,**

Petitioner,

v.

**Civ. No. 03-1231 JP/RHS**

**DONALD DORSEY, Warden, and  
PATRICIA MADRID, Attorney General for  
the State of New Mexico,**

Respondents.

**MAGISTRATE JUDGE'S PROPOSED FINDINGS  
AND RECOMMENDED DISPOSITION**

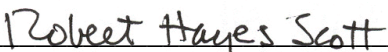
THIS MATTER comes on for consideration of Petitioner William Y. Buchanan's Revised Motion for Partial Summary Judgment filed March 18, 2004 (Doc. No 13). Petitioner claims that the admission of his non-testifying co-defendant's out-of-court statements to law enforcement officers violated his right to confront the witnesses against him.

The Court has evaluated the submissions of the parties in accordance with Fed. R. Civ. P. 56(c) & (e) and the standards set forth in Celotex Corp. v. Catrett, 477 U.S. 317 (1986), and Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986), and concludes that there are disputed issues of material fact which prevent the Court from granting the Petitioner's motion.

**RECOMMENDED DISPOSITION**

The United States Magistrate Judge recommends that Petitioner's Revised Motion for Partial Summary Judgment (Doc. No. 13) be DENIED.

Within ten days after a party is served with a copy of these proposed findings and recommendations that party may, pursuant to 28 U.S.C. § 636(b)(1), file written objections to such proposed findings and recommendations with the Clerk of the United States District Court, 333 Lomas Blvd. NW, Albuquerque, NM 87102. A party must file any objections within the ten day period allowed if that party wants to have appellate review of the proposed findings and recommendations. If no objections are filed, no appellate review will be allowed.

  
\_\_\_\_\_  
**ROBERT HAYES SCOTT**  
**UNITED STATES MAGISTRATE JUDGE**